

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

REBECCA WILSON,

Plaintiff,

-vs-

MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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Case No. 3:11-cv-270

District Judge Walter H. Rice

Magistrate Judge Michael J. Newman

**REPORT & RECOMMENDATION AND ORDER
AND
NOTICE REGARDING OBJECTIONS**

Plaintiff's counsel has been granted multiple extensions of time to file a Statement of Errors in this Social Security disability benefits appeal (docs. 9, 10, 11, 12, 13), all of which the Court has granted. On January 30, 2012, he filed a fifth such request. In granting this fifth request, the Court ordered counsel to file his Statement of Errors by noon today (February 3, 2012), and advised him - in bold, capital letters in the Order - that "if the Statement of Errors is not filed by that date and time, the Court will view this case on lack-of-prosecution grounds and recommend dismissal." Doc. 14 at 1.

Plaintiff's counsel did not file his Statement of Errors by noon today. Accordingly, as counsel was advised in the February 1, 2012 Order, the Court hereby **RECOMMENDS** that this matter be dismissed on lack-of-prosecution grounds.

Plaintiff's counsel is **ORDERED** to promptly furnish a copy of this Report and Recommendation/Order to his client.

February 3, 2012

s/ **Michael J. Newman**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B)(C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).